

49 CFR Part 242 Program for Certification of Conductors



and



Florida Department of Transportation
District 5

Effective Date: 5/12/2016

Revision Log

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49 CFR Part 242 Program for Certification of Conductors

Effective November 3, 2011, Florida Department of Transportation (FDOT) took ownership of an existing and active Class IV passenger and freight railway right of way (ROW) for rail operations. This corridor received the Federal Railroad Administration (FRA) alpha designation Central Florida Rail Corridor or CFRC. FDOT, as the owner, is responsible for maintenance along the entire CFRC railroad corridor. The CFRC is geographically located between M.P. A749.61 and A813.82 such that it operates as a bridge between two sections of the CSXT A-Line abutting to the north and south of the 61.35-mile corridor.

FDOT, in cooperation with the Central Florida Regional Transportation Authority (LYNX), METROPLAN Orlando, the City of Orlando, and the Counties of Volusia, Seminole, Orange, and Osceola will introduce commuter rail service in the four-county corridor that extends north and south of Orlando, Florida. SunRail was selected as the name for the new commuter rail service that will operate on this corridor and is scheduled to begin full revenue service in spring of 2014.

FDOT has awarded the operations and maintenance of the Corridor and SunRail commuter service to Bombardier. Bombardier is responsible to comply with the applicable portions of 49 CFR Part 242.

49 CFR Part 242 Program for Certification of Conductors

HEALTH, SAFETY, AND ENVIRONMENTAL POLICIES AND PROCEDURES

Program for Certification of Conductors 49 CFR Part 242

Purpose: This Program incorporates 49 CFR Part 242 requirements for Program for Certification of Railroad Conductors for Bombardier's covered employees in SunRail Commuter Rail Service.

Scope: This Policy applies to all covered employees in SunRail Commuter Rail Service.

Business Unit:	Responsible Unit:	Document type:	Confidentiality status :	Document state :
Services SunRail	Safety & Regulatory Compliance	Policy/Procedure	Internal	Final

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	Effective date: 1/7/2016	Revision : 3	Original Language : EN

Translated by: N/A Name / Function	Translation approved by: N/A Name / Function	Translation languages: N/A
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1.0 GENERAL INFORMATION AND ELECTIONS

(49 CFR 242.107)

Name of Railroad **Central Florida Rail Corridor (CFRC)****Primary Contact/Program Administrator**

Name: Richard Guindon
Title: Trainmaster / Program Administrator
Address: 801 SunRail Drive,
Sanford, FL 32771
Telephone: 407-732-6725
Email: Richard.guindon@rail.bombardier.com

Alternate Contact

Name: Shawn Furniss
Title: Road Foreman
Address: 801 SunRail Drive
Sanford, FL 32771
Telephone: 407-732-6736
Email: shawn.furniss@rail.bombardier.com

Medical Examiner

Name: Centra Care Urgent Care
Address: 4451 1st Street
Sanford, FL 32771
Telephone: 407-330-3412

Railroad operates in following states and FRA region(s):

Florida (Region 3)

Signal System:☒ Yes☐ No**Operating Authorities in effect:**

Yard Limits:	No
Train Orders:	No
Track Warrant:	Yes
Direct Traffic Control:	No
Time Table:	Yes
Manual Block:	No
Automatic Block Signal:	Yes
Centralized Traffic Control:	Yes
Other Than Main Track	Yes

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Bombardier Transportation elects to:

- ☒ Initially certify previously non-certified candidates as outlined in Section 5 of this submission.
- ☒ Recertify previously certified conductors as outlined in Section 3 of this submission.

Bombardier will issue certificates for the following classes of service:

- ☐ Conductor
- ☒ Passenger Conductor

Passenger Conductor means a conductor who has also received emergency preparedness training under the 49 CFR Part 239 – CFRC/SunRail Passenger Train Emergency Preparedness Plan filed by the railroad and accepted by FRA. Passenger Conductors are qualified/authorized to engage in switching operations within the Vehicle Servicing Maintenance Facility (VSMF).

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2.0 TRAINING PERSONS PREVIOUSLY CERTIFIED AS RAILROAD CONDUCTORS

(49 CFR 242.119)[Refer to Section 1.0 for contact person]

Passenger Conductors

Bombardier will provide continuing education for certified passenger conductors to ensure that each conductor maintains the necessary knowledge concerning railroad safety and operating rules and practices and compliance with all applicable Federal regulations. The Program Administrator will maintain the records for each conductor's formal training and testing.

Training Classes

Formal training classes will be required of all certified passenger conductors consisting of an 8-hour class annually. The training environment will consist of classroom presentations and may utilize slide presentation, videos, computer based training or on-the-job training as appropriate. All applicable topics required by 49 CFR 242.121(c) (see below) will be covered at these classes. Additionally, any new and/or revised rules, operating practices, or introduction of new technology will be highlighted during these classes. A written examination of not less than 100 questions will be administered prior to completion of the classes. Certified conductors participating in the class are required to achieve a passing score of 85% on the operating rules exam and a score of 100% on signal exams. Additionally, supplemental training may include company safety meetings, supervisor led safety briefings, and other training classes as necessary.

The training class will include instruction and testing on the following topics:

- Safety Rules
- Operating Rules
- Signal Rules
- Timetable Instructions
- Applicable Federal Regulations
- Physical Characteristics (Territory Specific)
- Use of Job Aids (applicable to physical characteristics)
- Emergency Preparedness

Notices and Manuals

Formal training may be supplemented with bulletin orders, bulletin notices, or special Instructions issued in response to proposed new or revised rules and operating practices. Conductors are required to review them prior to commencing each tour of duty.

Instructional manuals including operating rules, safety rules, and timetables (where applicable), etc., are provided for employees' use. Conductors are required to have the most recent copies of these manuals available for immediate reference while on duty.

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Requalification on Territorial Physical Characteristics

A conductor, who has been absent from a territory for a period of 12 months or more, must requalify on the territory. A conductor need not work the territory as a conductor to remain qualified. Conductors who work on a territory within a year in other capacities that would enable them to observe the territory, i.e., an engineer, assistant conductor, brakeman, switchman, student, etc., will remain qualified on that territory. The requalification procedures are as follows:

Main Track Territory – The conductor must make a sufficient number of qualifying trips or duty tours to become knowledgeable on the territory and must pass a written test [Part 242.119 (c)(3)] on the operating instructions and physical characteristics of the territory as determined by a railroad supervisor who is qualified on the territory. The test required under this section will be placed in the conductor's file.

Other Than Main Track – When qualification tours of the yard or territory did not occur, the railroad will provide either a qualified pilot or an up-to-date job aid to the conductor. At a minimum, the job aid will cover characteristics of a territory including: permanent close clearances, location of permanent derails and switches, assigned radio frequencies in use, and any unique operating conditions (special instructions).

Certification of Conductors with expired certificates or with extensive operating experience

Conductors, who have had their certifications lapse or, who possess extensive experience performing conductor duties, will be required to satisfy all the components required for certification specified in Sections 2 & 3 of the certification program. Certification will also require a period of on-the-job training and territorial familiarization based on an evaluation of the employee by a qualified conductor instructor. Prior experience and unique characteristics of the territory will be considered by the instructor when determining appropriate on-the-job training periods.

Method for familiarizing Conductors with new territory or new startup: “main track” operations.

In situations where there is no available means to afford conductors the opportunity to obtain physical characteristics familiarization of a new territory or startup operation, the railroad may elect to use hi-rail or light locomotive to satisfy the requirement for physical characteristics familiarization.

Method for familiarizing Conductors with new territory or new startup: “other than main track” operations.

If a conductor lacks territorial qualification on other than main track physical characteristics, a qualified pilot may be provided. Where a pilot is not practical, the railroad will provide an up-to-date job aid to the conductor. The conductor will also be furnished supervisor contact information in the event a question arises that cannot be clarified by the job aid.

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3.0 TESTING AND EVALUATING PERSONS PREVIOUSLY CERTIFIED

[Refer to Section 1.0 for contact person]

This section details the manner in which Knowledge and Vision and Hearing Acuity testing of certified conductors will be conducted during the recertification process.

Passenger Conductors**Knowledge Testing (49 CFR 242.121)**

Conductors will be required to participate in a written examination annually of at least 100 questions and must obtain a passing score of 85% on the operating rules exam and a 100% on signal exams. The examination will be conducted without open reference books or other materials except to the degree that the person is being tested on his or her ability to use such reference books or materials.

The examination will include the following subject matter:

- Safety Rules
- Operating Rules
- Signal Rules
- Timetable Instructions (where applicable)
- Applicable Federal Regulations
- Physical Characteristics (Territory Specific)
- Use of Job Aids (applicable to physical characteristics)
- Emergency Preparedness

A conductor failing to obtain a passing score of 85% on the operating rules and a score of 100% on the signal exam will not be permitted to work as a conductor pending a successful reexamination. Test failures will be reviewed with the employee. A retest will be given no sooner than the next calendar day and no later than seven days following the previous test. After a second failure to successfully pass the examination the candidate will be sent written notification that the railroad intends to deny the candidate certification under the provisions of 49 CFR 242.401. Applicable collective bargaining agreements may be substituted for the previous procedures.

Vision and Hearing Acuity Testing (49 CFR 242.117)

The Medical Examiner of the railroad or designated medical facility will be responsible for the administration of required vision and hearing acuity testing prior to the conductor's recertification date. The railroad will provide its Medical Examiner or designated clinic with a copy of the applicable standards outlined in 49 CFR 242.117, including all appendices. Notification of the examination results will be made by means of a vision/hearing approval form.

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Conductors, whose hearing or vision acuity does not meet the standards required by 49 CFR 242.117, will, upon request, be subject to further medical evaluation by a railroad's Medical Examiner or designated medical facility to determine that person's ability to safely perform as a conductor. A person is entitled to one retest without making any showing and to another retest if the person provides evidence substantiating that circumstances have changed since the last test to the extent that the person could now safely perform as a conductor. If, after consultation with a railroad officer, the Medical Examiner concludes that, despite not meeting the required threshold(s), the person has the ability to safely perform as a conductor, the person may be certified as a conductor and such certification conditioned on any special restrictions the Medical Examiner determines in writing to be necessary.

Records

Records of each Conductor's knowledge and vision/hearing acuity test results will be maintained according to 49 CFR 242.203 and will be available for inspection upon request.

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4.0 TRAINING, TESTING AND EVALUATING PERSONS NOT PREVIOUSLY CERTIFIED

[Refer to Section 1.0 for contact person]

Passenger Conductor

A comprehensive program of 40 hours classroom and 120 hours on-the-job training will be provided for persons seeking certification as a Passenger Conductor who have had previous rail transportation experience (Train Service). Additional, candidates with no previous rail experience shall receive a comprehensive program of 160 hours of classroom and 200 hours on-the-job training and any additional training elements will be provided. Records on each candidate's training will be maintained and will be made available upon request by Federal and State inspectors.

Employees without Previous Railroad Service Experience

1. Selected candidates will participate in the following Conductor Training Program:
 - A. Classroom Training
 - i. Classroom training will be conducted by knowledgeable Instructors.
 - ii. Classroom training will include the following subject matter:
 - Safety Rules
 - Operating Rules
 - Signal Rules
 - Timetable Instructions
 - Applicable Federal Regulations
 - Physical Characteristics (Territory Specific)
 - Use of Job Aids (applicable to physical characteristics)
 - Emergency Preparedness
 - iii. Minimum training period - 40 hours
 - B. On-the-job training
 - i. On-the-job training will be conducted with input from a qualified instructor. The trainee will perform this training under the direct onsite supervision of a person, who possesses the necessary operating experience. The training will be of sufficient duration to ensure the student is accustomed to the environment he or she is expected to work in.
 - ii. The minimum on-the-job training period - 120 hours
 - C. Task check-off sheets will be utilized to track the Student's training and proficiency level for each task. Written examinations may be conducted periodically during each segment of instruction. The successful completion of each test segment does not negate the necessity of a final Knowledge Test.

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2. Candidates must complete a final written examination of not less than 100 questions and are required to obtain a passing score of at least 85% on the operating rules and a score of 100% on signal exams covering but not limited to, the following subject matter:
 - Safety Rules
 - Operating Rules
 - Signal Rules
 - Timetable Instructions
 - Applicable Federal Regulations
 - Physical Characteristics
 - Use of Applicable Job Aids
 - Emergency Preparedness

Successful completion of all final examinations will allow for the issuance of a certificate and promotion of candidate to the position of Conductor. Candidates failing to obtain a passing score of 85% on the operating rules exam and a 100% on the signals exam will not be permitted to work as a conductor pending a successful reexamination. Test failures will be reviewed with the employee. A retest will be given no sooner than the next calendar day and no later than seven days following the previous test. After a second failure to successfully pass the examination the candidate will be sent written notification that the railroad intends to deny the candidate certification under the provisions of 49 CFR 242.401. Applicable collective bargaining agreements may be substituted for the previous procedures.

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Example of possible SunRail– Conductor
Two-Week Classroom Training Syllabus

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1	Introduction Safety Briefing Railroad Safety PPE Railroad Basics Assign Homework	Safety Briefing Homework Review Daily Quiz Safety Rules Assign Homework	Safety Briefing Homework Review Safety Final Safety Field Trip Assign Homework	Safety Briefing Homework Review FRA Regulations Hazmat Regs Hazmat Quiz Assign Homework	Safety Briefing Homework Review FRA Quiz Control D & A Use Communications Assign Homework
Week 2	Safety Briefing Homework Review Quiz Communication Glossary Terms General Rules Assign Homework	Safety Briefing Homework Review Quiz Glossary Intro to Timetable Assign Homework	Safety Briefing Homework Review Quiz Timetable Intro CFRC Rules Assign Homework	Safety Briefing Homework Review Quiz Gen. Rules CFRC Rules (cont) Assign Homework	Safety Briefing Homework Review Quiz Flags, Signals CFRC Rules (cont) Assign Homework

Classroom days are instructor led, and consist of a minimum eight hours of instruction with periodic breaks and one hour for lunch. Class convenes at 0800 and is dismissed no earlier than 1700. Instruction consists of lecture, slide presentations, video, multimedia, field trips, and hands-on practical application. Required score of at least 85% on operating rules and 100% on signal rules must be achieved on Mid-Term and Final Exams. One retake is allowed, and must be administered on the day following the failure.

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5.0 MONITORING OPERATIONAL PERFORMANCE OF CONDUCTORS

(49 CFR 242.123)[Refer to Section 1.0 for contact person]

Passenger Conductors

Certified Conductors will be given a minimum of one (1) unannounced operating rule test each calendar year pursuant with the railroad's program of operating rule tests and inspections (49 CFR 217.9 and 49 CFR 218 Subpart F). This test will monitor one or more of the following:

1. Handling hand operated switches and fixed derails, including:
 - Main track switches and derails
 - Crossover switches
 - Yard and Industry Switches and derails
2. Securing equipment
3. Leaving equipment in the clear
4. Protection of shoving or pushing movements

Certified Passenger Conductors, who were not performing service as a conductor in a calendar year or who were unexpectedly unavailable for such testing, will receive an unannounced compliance test within 30 days of their return to conductor service. In such situations, Bombardier will maintain a written record indicating:

- the date that the conductor stopped performing service that requires certification
- the date that the conductor returned to performing service that requires certification, and
- the date that the unannounced compliance test was performed

In the event that it finds deficiencies with a conductor's performance during an unannounced compliance test, Bombardier will take one or more of the following actions:

- Federal decertification when warranted
- Impose company discipline/remedial training as appropriate

Passenger Conductors (where applicable) - For employees certified as Passenger Conductors pursuant to 242.107(b)(2), who do not require compliance with 49 CFR 218, Subpart F, except under emergency circumstances, the requirement for an annual, unannounced test will be satisfied by annual training. In these circumstances, the conductor will be provided a one (1) hour training session on the rules relating to the topics above. This requirement is satisfied by attendance at an annual operating rules class that covers Part 218, Subpart F, material.

6.0 PROCEDURES FOR THE ROUTINE ADMINISTRATION OF THE CONDUCTOR CERTIFICATION PROGRAM

[Refer to Section 1.0 for contact person]

This section contains a summary of how Bombardier program and procedures will comply with various specific aspects of the regulation that relate to the routine administration of the program.

The Conductor Certification Program will be administered by the Program Administrator, who will be responsible for implementation, for overall management of the training and testing programs, for making (re)certification decisions, and for maintaining appropriate records for each certified conductor. The Program Administrator does not have to be a certified conductor.

The following person(s) will be responsible for signing and issuing certificates:

Name: Shawn Furniss – Road Foreman
Richard Guindon – Trainmaster
John Breault – Road Foreman

Selection of Qualified Instructors

Bombardier will ensure that only Qualified Instructors are used during the training and certification of conductors. The instructors will be evaluated by the railroad to determine that they possess an adequate knowledge of the subjects under instruction and, where applicable, have the necessary operating experience to effectively instruct in the field.

Qualified Instructor means a person who has demonstrated, pursuant to the railroad's written program, an adequate knowledge of the subjects under instruction and, where applicable, has the necessary operating experience to effectively instruct in the field and has the following qualifications:

1. Is a certified conductor,
2. Has been selected as such by a designated railroad officer, in concurrence with the designated employee representative, where present, or,
3. In absence of concurrence provided in paragraph two of this definition, has a minimum of twelve months service working as a train service employee.

Use of Pilots on Main Track

The following procedures will be followed when a pilot conductor is required for main track operations:

1. For a conductor who has never been qualified on main track physical characteristics of the territory over which he or she is to serve as a conductor, the assistant will be a person who is certified as a conductor, meets the territorial qualification requirements for main track physical characteristics, and is not an assigned crewmember.

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2. For a conductor who was previously qualified on main track physical characteristics of the territory over which he or she is to serve as a conductor, but whose qualification has been expired for one year or less and who “regularly traversed”^{**} the territory prior to the expiration of the qualification, the Pilot may be any person, including an assigned crewmember, who meets the territorial qualification requirements for main track physical characteristics.
3. For a conductor who was previously qualified on main track physical characteristics of the territory over which he or she is to serve as a conductor, and whose qualification has been expired for one year or less, but who has not regularly traversed the territory prior to the expiration of the qualification, or a conductor whose territorial qualification on main track has been expired for more than a year, the Pilot may be any person, including an assigned crewmember other than the locomotive engineer, so long as serving as the assistant would not conflict with that crewmember’s other safety sensitive duties, who meets the territorial qualification requirements for main track physical characteristics.

^{**}“Regularly traversed” means the employee has worked a position that enabled him or her to observe the territory at least 10 times in the previous 24 months.

Safety Conduct Evaluations (Parts 242.111, 242.113 and 242.115)

Conductors or conductor candidates will be responsible for providing completed state Department of Transportation Motor Vehicle Administrator (MVA) information request forms that will be submitted to the DMV. If the request form was submitted to the DMV at least 60 days prior to the expiration of the certificate and no response has been received, the railroad will issue a certificate without the DMV information [as allowed by 49 CFR 242.111(d)]. The certificate will remain in effect for 60 days, during which time the necessary information will be obtained.

Conductors who have not been issued a driver’s license will be required to apply for driving records from the state in which they reside and must produce a document indicating that there is no record of a license being issued (this document is sometimes referred to as a “no record” or “no file” check).

The railroad will also evaluate the employee’s safety conduct as a railroad employee. The evaluation will consider any previous certificate revocations and or history of substance abuse. If the employee came from another railroad, the required data from that railroad will be obtained and evaluated.

The data relied upon for making the above determinations will be within the time limitations specified in 49 CFR 242.201.

Copies of the conductor’s driving record data, vision and hearing acuity examination results, written knowledge test results, and annual operating rule compliance test results will be maintained on file by the railroad, as well as other pertinent information.

Visual and Hearing Acuity Examination (Part 242.117)

The Medical Examiner or designated clinic chosen by the railroad will be responsible for advising of the results of vision/hearing acuity tests to the Program Administrator for conductors.

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Issuance of Certificates (Part 242.105)

Bombardier will issue certificates to all qualified conductors following completion of the training program for the class of service they will perform. If the conductor has successfully completed all tests and safety conduct evaluations, he or she will be issued a certificate that will remain effective for no longer than 36 months.

Replacement of Certificates (Part 242.211)

In the event a certificate is lost, stolen, misplaced, or left at home, the conductor will be required to inform his/her supervisor and the conductor will be issued a temporary replacement certificate. At a minimum, the temporary replacement certificate will identify the person to whom it is being issued (including the person's name, identification number and year of birth); indicate the date of issuance; and be signed by a designated supervisor. Temporary replacement certificates may be delivered electronically and are valid for a period not exceeding 30 days in accordance with 49 CFR 242.211(b).

Joint Operations (Part 242.301)

SunRail operations are conducted over CFRC track. Bombardier controls the main track between Deland and Poinciana. CSX, FCEN and Amtrak operate over this portion of the CFRC are required to be familiar with the territory.

Bombardier will maintain a list of its certified Conductors, who are qualified to operate over joint operations territory and furnish it to the railroad responsible for controlling operations over that territory.

Note: The use of pilots is not required during operations defined under Part 242.301(e).

Revocation or Denial of Certification (Part 242.401)**Revocation of Certification**

Bombardier will conduct Certification Revocation Hearings and Company Disciplinary Hearings concurrently. The Hearing(s) will be conducted according to applicable collective bargaining agreements or, in the absence of a collective bargaining agreement, as outlined by 49 CFR 242.407.

Denial of Recertification

If Bombardier is considering a denial of certification or recertification, the adverse information relied upon for such denial will be made known to the employee in writing. The employee will be provided a reasonable opportunity to explain or rebut the adverse information in writing prior to denying certification. The employee will be provided with any written documents or records, including written statements the railroad is considering in its denial decision.

If Bombardier elects to deny certification, it will notify the employee of the denial decision in writing giving the bases for the denial. The notification will also address any explanation or rebuttal the employee may have provided. The document explaining the basis for the denial will be served on the employee within 10 days after the denial decision was made and will give the date of the decision, detailing the criteria upon which the denial decision was based.